



Rep. Ruth Munson

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1 AMENDMENT TO HOUSE BILL 4259

2 AMENDMENT NO. _____. Amend House Bill 4259, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Identity Protection Act of 2006.

7 Section 5. Definitions. In this Act:

8 "Local government agency" means that term as it is defined
9 in Section 1-8 of the Illinois State Auditing Act.

10 "Person" means any individual in the employ of a State
11 agency or local government agency.

12 "Publicly post" or "publicly display" means to
13 intentionally communicate or otherwise intentionally make
14 available to the general public.

15 "State agency" means that term as it is defined in Section
16 1-7 of the Illinois State Auditing Act.

17 Section 10. Prohibited activities.

18 (a) Except as otherwise provided in this Act, beginning
19 July 1, 2008, no person or State or local government agency may
20 do any of the following:

21 (1) Publicly post or publicly display in any manner an
22 individual's social security number.

23 (2) Print an individual's social security number on any

1 card required for the individual to access products or
2 services provided by the person or entity; however, a
3 person or entity that provides an insurance card must print
4 on the card an identification number unique to the holder
5 of the card in the format prescribed by Section 15 of the
6 Uniform Prescription Drug Information Card Act.

7 (3) Require an individual to transmit his or her social
8 security number over the Internet, unless the connection is
9 secure or the social security number is encrypted.

10 (4) Require an individual to use his or her social
11 security number to access an Internet web site, unless a
12 password or unique personal identification number or other
13 authentication device is also required to access the
14 Internet Web site.

15 (5) Print an individual's social security number on any
16 materials that are mailed to the individual, through the
17 U.S. Postal Service, any private mail service, electronic
18 mail, or any similar method of delivery, unless State or
19 federal law requires the social security number to be on
20 the document to be mailed. Notwithstanding any provision in
21 this Section to the contrary, social security numbers may
22 be included in applications and forms sent by mail,
23 including, but not limited to, any material mailed in
24 connection with the administration of the Unemployment
25 Insurance Act, any material mailed in connection with any
26 tax administered by the Department of Revenue, and
27 documents sent as part of an application or enrollment
28 process or to establish, amend, or terminate an account,
29 contract, or policy or to confirm the accuracy of the
30 social security number. A social security number that may
31 permissibly be mailed under this Section may not be
32 printed, in whole or in part, on a postcard or other mailer
33 that does not require an envelope or be visible on an
34 envelope or visible without the envelope having been

1 opened.

2 (6) Collect a social security number from an
3 individual, unless required to do so under State or federal
4 law, rules, or regulations, unless the collection of the
5 social security number is otherwise necessary for the
6 performance of that agency's duties and responsibilities.
7 Social security numbers collected by a State or local
8 government agency must be relevant to the purpose for which
9 the number was collected and must not be collected unless
10 and until the need for social security numbers for that
11 purpose has been clearly documented.

12 (7) When collecting a social security number from an
13 individual or when filing a document containing a social
14 security number with the clerk of the circuit court or with
15 the recorder of deeds, fail to segregate the social
16 security number on a separate page from the rest of the
17 record, provide a discrete location for a social security
18 number when required on a standardized form, or otherwise
19 place the number in a manner that makes it easily redacted
20 if required to be released as part of a public records
21 request.

22 (8) When collecting a social security number from an
23 individual, fail to provide to the individual, at the time
24 of or prior to the actual collection of the social security
25 number by that agency, upon request by the individual, a
26 statement of the purpose or purposes for which the agency
27 is collecting and using the social security number.

28 (9) Use the social security number for any purpose
29 other than the purpose stated in the statement provided
30 under item (8).

31 (10) Intentionally communicate or otherwise make
32 available to the general public a person's social security
33 number or other identifying information.

34 (b) The prohibitions in subsection (a) do not apply in the

1 following circumstances:

2 (1) The disclosure of social security numbers or other
3 identifying information disclosed to agents, employees, or
4 contractors of a governmental entity or disclosed by a
5 governmental entity to another governmental entity or its
6 agents, employees, or contractors if disclosure is
7 necessary in order for the entity to perform its duties and
8 responsibilities and if the governmental entity and its
9 agents, employees, and contractors maintain the
10 confidential and exempt status of the social security
11 numbers or other identifying information.

12 (2) The disclosure of social security numbers or other
13 identifying information disclosed pursuant to a court
14 order, warrant, or subpoena.

15 (3) The collection, use, or disclosure of social
16 security numbers or other identifying information in order
17 to ensure the safety of: State and local government
18 employees; persons committed to correctional facilities,
19 local jails, and other law-enforcement facilities or
20 retention centers; wards of the State; and all persons
21 working in or visiting a State or local government agency
22 facility.

23 (4) The disclosure of social security numbers by a
24 State agency to any entity for the collection of delinquent
25 child support or of any State debt.

26 (5) The collection, use, or disclosure of social
27 security numbers or other identifying information to
28 investigate or prevent fraud, to conduct background
29 checks, to conduct social or scientific research, to
30 collect a debt, to obtain a credit report from or furnish
31 data to a consumer reporting agency under the federal Fair
32 Credit Reporting Act, to undertake any permissible purpose
33 that is enumerated under the federal Gramm Leach Bliley
34 Act, or to locate a missing person, a lost relative, or a

1 person who is due a benefit, such as a pension benefit or
2 an unclaimed-property benefit.

3 (c) If any State agency or local government agency has
4 adopted standards for the collection, use, or disclosure of
5 social security numbers or other identifying information that
6 are stricter than the standards under this Act with respect to
7 the protection of that identifying information, then, in the
8 event of any conflict with the provisions of this Act, the
9 stricter standards adopted by the State agency or local
10 government agency shall control.

11 Section 15. Public inspection and copying of information
12 and documents. Notwithstanding any other provision of this Act
13 to the contrary, a person or State or local government agency
14 must comply with the provisions of any other State law with
15 respect to allowing the public inspection and copying of
16 information or documents containing all or any portion of an
17 individual's social security number or other identifying
18 information.

19 Section 20. Applicability.

20 (a) This Act does not apply to the collection, use, or
21 release of a social security number or other identifying
22 information, as required by State or federal law, rule, or
23 regulation, or the use of a social security number or other
24 identifying information for internal verification or
25 administrative purposes.

26 (b) This Act does not apply to documents that are recorded
27 or required to be open to the public under any State or federal
28 law, rule, or regulation, applicable case law, Supreme Court
29 Rule, or the Constitution of the State of Illinois.

30 Section 25. Compliance with federal law. If a federal law
31 takes effect requiring any federal agency to establish a

1 national unique patient health identifier program, any State or
2 local government agency that complies with the federal law
3 shall be deemed to be in compliance with this Act.

4 Section 30. Embedded social security numbers. Beginning
5 July 1, 2008, no person or State or local government agency may
6 encode or embed a social security number in or on a card or
7 document, including, but not limited to, using a bar code,
8 chip, magnetic strip, RFID technology, or other technology, in
9 place of removing the social security number as required by
10 this Act.

11 Section 35. Identity-protection policy. Each State agency
12 and local government agency must establish an
13 identity-protection policy and must implement that policy on or
14 before July 1, 2008. The policy must do all of the following:

15 (1) Require all employees of the State or local
16 government agency to be trained to protect the
17 confidentiality of social security numbers and to
18 understand the requirements of this Section.

19 (2) Prohibit the unlawful disclosure of social
20 security numbers.

21 (3) Limit the number of employees who have access to
22 information or documents that contain social security
23 numbers.

24 (4) Describe how to properly dispose of information and
25 documents that contain social security numbers.

26 (5) Establish penalties for violation of the privacy
27 policy.

28 (6) Prevent the intentional communication of or
29 ability of the general public to access an individual's
30 social security number.

31 Each State agency must file a written copy of its privacy
32 policy with the Clerk of the House of Representatives and the

1 Secretary of the Senate. Each local government agency must file
2 a written copy of its privacy policy with the governing board
3 of the unit of local government. Each State or local government
4 agency must also provide a written copy of the policy to each
5 of its employees, and must also make its privacy policy
6 available to any member of the public, upon request. If a State
7 or local government agency amends its privacy policy, then that
8 agency must file a written copy of the amended policy with the
9 appropriate entity and must also provide each of its employee
10 with a new written copy of the amended policy.

11 Section 40. Recording and filing of legal documents.
12 Beginning July 1, 2008, a social security number may not be
13 included in any document filed with any recorder of deeds or
14 circuit court clerk except as part of a pleading in an action
15 to recover State debt or in response to an action under the
16 Administrative Review Law, unless a social security number is
17 otherwise required by law or by court rule.

18 Section 45. Violation. Any person who knowingly violates
19 this Act is guilty of a Class B misdemeanor.

20 Section 50. Home rule. A home rule unit may not regulate
21 the use of social security numbers in a manner that is
22 inconsistent with this Act. This Act is a limitation under
23 subsection (i) of Section 6 of Article VII of the Illinois
24 Constitution on the concurrent exercise by home rule units of
25 powers and functions exercised by the State.

26 Section 55. This Act does not supersede any more
27 restrictive law, rule, or regulation regarding the collection,
28 use, or release of social security numbers.

29 Section 905. The Social Security Number Protection Task

1 Force Act is amended by changing Section 10 and by adding
2 Section 15 as follows:

3 (20 ILCS 4040/10)

4 Sec. 10. Social Security Number Protection Task Force.

5 (a) The Social Security Number Protection Task Force is
6 created within the Office of the Attorney General. The Attorney
7 General is responsible for administering the activities of the
8 Task Force. The Task Force shall consist of the following
9 members:

10 (1) Two members ~~One member~~ representing the House of
11 Representatives, appointed by the Speaker of the House of
12 Representatives;

13 (2) Two members ~~One member~~ representing the House of
14 Representatives, appointed by the Minority Leader of the
15 House of Representatives;

16 (3) Two members ~~One member~~ representing the Senate,
17 appointed by the President of the Senate;

18 (4) Two members ~~One member~~ representing the Senate,
19 appointed by the Minority Leader of the Senate;

20 (5) One member, who shall serve as the chairperson of
21 the Task Force, representing the Office of the Attorney
22 General, appointed by the Attorney General;

23 (6) One member representing the Office of the Secretary
24 of State, appointed by the Secretary of State;

25 (7) One member representing the Office of the Governor,
26 appointed by the Governor;

27 (8) One member representing the Department of Natural
28 Resources, appointed by the Director of Natural Resources;

29 (9) One member representing the Department of
30 Healthcare and Family Services ~~Public Aid~~, appointed by the
31 Director of Healthcare and Family Services ~~Public Aid~~;

32 (10) One member representing the Department of
33 Revenue, appointed by the Director of Revenue;

1 (11) One member representing the Department of State
2 Police, appointed by the Director of State Police;

3 (12) One member representing the Department of
4 Employment Security, appointed by the Director of
5 Employment Security;

6 (13) One member representing the Illinois Courts,
7 appointed by the Director of the Administrative Office of
8 Illinois Courts; ~~and~~

9 (14) One member representing the Department on Aging,
10 appointed by the Director of the Department on Aging; ~~and~~

11 (15) One member appointed by the Director of Central
12 Management Services;

13 (16) One member of the Board of Higher Education,
14 appointed by the Executive Director of the Board of Higher
15 Education;

16 (17) One member appointed by the Secretary of Human
17 Services; and

18 (18) Three members appointed by the chairperson of the
19 Task Force, representing local-governmental organizations,
20 who may include representatives of clerks of the circuit
21 court, recorders of deeds, counties, and municipalities.

22 (b) The Task Force shall examine the procedures used by the
23 State to protect an individual against the unauthorized
24 disclosure of his or her social security number when the State
25 requires the individual to provide his or her social security
26 number to an officer or agency of the State.

27 (c) The Task Force shall report its findings and
28 recommendations, including its recommendations concerning a
29 unique identification number system under Section 15, to the
30 Governor, the Attorney General, the Secretary of State, and the
31 General Assembly no later than December 31 of each year ~~March~~
32 ~~1, 2006.~~

33 (Source: P.A. 93-813, eff. 7-27-04; 94-611, eff. 8-18-05;
34 revised 12-15-05.)

1 (20 ILCS 4040/15 new)

2 Sec. 15. Unique identification numbers.

3 (a) The Task Force shall explore the technical and
4 procedural changes that are necessary in order to implement a
5 unique identification number system to replace the use of
6 social security numbers by State and local government agencies
7 for identification and record-keeping purposes. The Task Force
8 shall identify other states and local governments that have
9 implemented a unique identification number system and make
10 recommendations and devise procedures for creating a Statewide
11 unique identification number program.

12 (b) The Task Force shall report its findings on unique
13 identification numbers and recommendations to the Governor,
14 the Attorney General, the Secretary of State, and the General
15 Assembly, by December 31, 2007.

16 Section 990. The State Mandates Act is amended by adding
17 Section 8.30 as follows:

18 (30 ILCS 805/8.30 new)

19 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8
20 of this Act, no reimbursement by the State is required for the
21 implementation of any mandate created by this amendatory Act of
22 the 94th General Assembly.

23 Section 999. Effective date. This Act takes effect upon
24 becoming law."